

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: Dariusz F Golczewski

Case No.: 17-22162

Judge: _____

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: _____

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney jsw

Initial Debtor: DFG

Initial Co-Debtor _____

Part 1: Payment and Length of Plan

a. The debtor shall pay 300.00 Monthly to the Chapter 13 Trustee, starting on July 1, 2017 for approximately 60 months.

\$100.00 per month for months 1-5

\$300.00 per month for months 6-60

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property
Description:
Proposed date for completion: _____

- ☐ Refinance of real property:
Description:
Proposed date for completion: _____

- ☒ Loan modification with respect to mortgage encumbering property:
Description: Ocwen mortgage on Ringoes, NJ property
Proposed date for completion: 2/28/2018

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan: mortgage arrears are not to be paid through the plan as they will be incorporated into loan modification

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 2461.18 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Ocwen/Deutsch Bank (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Joan Sirkis Warren	Attorney Fees	2,000.00
Internal Revenue Service-new	Taxes and certain other debts	7353.32

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

- ☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
FSG Bank	HVAC system	\$7440.82	n/a	\$7440.82	193.39

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-							
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
FSG	HVAC	\$7000.00

Part 5: Unsecured Claims ☒ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C.

Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____

Explain below **why** the plan is being modified:

FSG had previously agreed to accept payment of secured debt of \$7000.00 with balance as unsecured and was to amend their PoC to reflect same. They have not amended their proof of claim

Explain below **how** the plan is being modified:

FSG arrears are being added as to the plan

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date January 24, 2018

/s/ Joan Sirkis Warren

Joan Sirkis Warren

Attorney for the Debtor

Date: January 24, 2018

/s/ Dariusz F Golczewski

Dariusz F Golczewski

Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date January 24, 2018

/s/ Joan Sirkis Warren

Joan Sirkis Warren

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: January 24, 2018

/s/ Dariusz F Golczewski

Dariusz F Golczewski

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Dariusz F Golczewski
 Debtor

Case No. 17-22162-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 26

Date Rcvd: Jan 30, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 01, 2018.

db +Dariusz F Golczewski, 541 Route 31 North, Ringoes, NJ 08551-1218
 cr +Deutsche Bank National Trust Company, Robertson, Anschutz & Schneid, 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
 516880981 Capital One Platinum Mastercard, PO Box 30285, Salt Lake City, UT 84130-0285
 516880982 +Capital One, N.A., c/o First Financial Asset Mgmt, Inc., PO Box 56245, Atlanta, GA 30343-0245
 516880983 +Deutsche Bank, c/o Stern & Eisenberg, PC, 1040 N. Kings Highway, Suite 407, Cherry Hill, NJ 08034-1925
 517149873 +Deutsche Bank National Trust Company, Ocwen Loan Servicing, LLC, Attn: Cashiering Department, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409-6493
 517160400 Deutsche Bank National Trust Company, Ocwen Loan Servicing, LLC, Attn: Bankruptcy Department, PO Box 24605, West Palm Beach, FL 33416-4605
 516902092 +Deutsche Bank National Trust Company, Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
 517185164 +Dorota Golczewski, Hunterdon County Probation Office, 65 Park Ave., Flemington, NJ 08822-1128
 517118090 +FSG BANK, c/o SERVICE FINANCE CO., LLC, 555 S FEDERAL HWY #200, BOCA RATON, FL 33432-6033
 517301607 +NJ Dept. of Environmental Protection, ATTN: Bankruptcy Coordinator, Mail Code 401-06Q; PO Box 420, 401 East State Street, Trenton, NJ 08608-1501
 516948552 +Princeton Orthopedic Associates, 325 Princeton Ave, Princeton, NJ 08540-1617
 516948551 +Scholl, Whittlesey & Greenberg LLC, 1 East Main Street, Suite 1, Flemington, NJ 08822-1200
 516880988 +Service Finance Company LLC, PO Box 511303, Los Angeles, CA 90051-7858
 516880989 +Stern & Eisenberg, PC, 1040 N. Kings Highway, Suite 407, Cherry Hill, NJ 08034-1925
 516880990 +TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026 (address filed with court: Toyota Motor Credit, 4 Gatehill Drive Ste 350, Parsippany, NJ 07054)
 517048768 +Toyota Lease Trust, C/O Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 516880991 +Wayfair/Comenity Bank, PO Box 182273, Columbus, OH 43218-2273
 516880992 +Weinberger Divorce & Family Law Group, 135 US Highway 202-206, Suite 8, Bedminster, NJ 07921-2608

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 30 2018 23:18:40 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 30 2018 23:18:38 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 lm +Fax: 407-737-5634 Jan 31 2018 00:01:36 OCWEN LOAN SERVICING, 1661 WORTHINGTON ROAD, SUITE 100, WEST PALM BEACH, FL 33409-6493
 516880985 E-mail/Text: cio.bncmail@irs.gov Jan 30 2018 23:18:13 Internal Revenue Service-new, PO Box 7346, Philadelphia, PA 19101-7346
 517086722 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 30 2018 23:21:07 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.a., POB 41067, Norfolk VA 23541
 517085864 E-mail/Text: bnc-quantum@quantum3group.com Jan 30 2018 23:18:29 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 516880987 +E-mail/Text: bankruptcy@savit.com Jan 30 2018 23:19:26 Savit Collection Agency, PO Box 250, East Brunswick, NJ 08816-0250

TOTAL: 7

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516880984 former spouse
 cr* +DEUTSCHE BANK NATIONAL TRUST COMPANY, Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
 516880986 ##Ocwen, PO Box 6440, Carol Stream, IL 60197-6440

TOTALS: 1, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 26

Date Rcvd: Jan 30, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 01, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 30, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Joan Sirkis Warren on behalf of Debtor Dariusz F Golczewski joan@joanlaverylaw.com
Kevin M. Buttery on behalf of Creditor Deutsche Bank National Trust Company
bkyefile@rasflaw.com
Miriam Rosenblatt on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY
bkyecf@rasflaw.com, mrosenblatt@rasflaw.com
Miriam Rosenblatt on behalf of Creditor Deutsche Bank National Trust Company
bkyecf@rasflaw.com, mrosenblatt@rasflaw.com
Rebecca Ann Solarz on behalf of Creditor Toyota Lease Trust rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7